



PATENT APPLICATION

ZJW
RCE
3724

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Claude AUGER
Serial no. : 10/748,932
Filed : December 30, 2003
For : METHOD AND APPARATUS FOR REDUCING
DAMAGE TO A CIRCULAR SAW BLADE ON A
DELIMBING MACHINE
Group Art Unit : 3724
Examiner : Carolyn T. Blake
Docket : THOLAM P221US

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C. F. R. § 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

WARNING: 35 U.S.C. § 132(b) and § 1.114 provide for the continued examination of an application and **not** examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868. "

WARNING: A continued examination request cannot be made if at least one office action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 161 has not been mailed. The provisions of 37 CFR 1.114 also do not apply (1) to a provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. § 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. § 363 before June 8, 1995; (4) a patent under reexamination or (5) an application for a design patent. 37 CFR § 1.114(d).

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) AND 1.10*
(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

- deposited with the United States Postal Service in an envelope addressed to the Assistance Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450
37 C.F.R. § 1.8(a)
- with sufficient postage as first class mail on March 1, 2005.

03/04/2005 HALI11 00000033 10748932

01 FC:2801

395.00 OP

Signature

Gary D. Clapp

(type or print name of practitioner)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

TIME REQUEST IS BEING MADE

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
 - ☐ Prior to payment of issue fee
 - ☐ Issue fee has been paid but a petition under § 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

NOTE: If such a notice is not sent to the Board then may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under § 1.114.

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. § 145 or ☐ Commencement of a civil action under 35 U.S.C. § 146
 - ☐ Prior to the filing of such appeal or commencement of civil action
 - ☐ Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Enclosed herewith is/are:

WARNING: If reply to a final or non-final Office action under 35 U.S.C. § 132 is outstanding, the submission must meet the reply requirements of § 1.111. 37 C.F.R. § 1.114(b).

- ☐ An information disclosure (37 C.F.R. § 1.98)
 - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ An amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

FEE FOR REQUEST (37 C.F.R. § 1.17(e)).

4. This application is on behalf of:

- ☒ Small entity (and status is still as small entity) \$395.00
- ☐ Other than a small entity \$790.00

Continued Prosecution Request Fee \$395.00

FEE FOR CLAIMS

NOTE: "The fee for continued examination under § 1.114 (§ 1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

37 CFR 1.53 (d)(3): "The filing fee for a continued prosecution application filed under this paragraph is:

(i) The basic filing fee as set forth in § 1.16; and

Any additional § 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under § 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA RATE	ADDIT. FEE OR RATE	ADDIT. FEE
TOTAL	2 MINUS 20	=	x \$25= \$		x \$50= \$-0-
INDEP.	1 MINUS 3	=	x \$100= \$		x \$200= \$-0-
□ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$180= \$	+\$360= \$-0-
				TOTAL ADDIT. FEE \$	OR TOTAL ADDIT. FEE \$-0-

* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

*** IF the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid for" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: See 37 C.F.R. § 1.116.

(complete (a) or (b), as applicable)

(a) ☒ No additional fee is required.

OR

(b) ☐ Total additional fee required is \$_____.

EXTENSION OF TIME

(If an extension of time is appropriate complete (a) or (b), as applicable)

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

NOTE: 37 C.F.R. § 1.704(b) ".....an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

	Extension for (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$1,590.00	\$ 795.00
<input type="checkbox"/>	fifth months	\$2,160.00	\$1,080.00

FEE:\$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

(b) ☒ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

WARNING: The fee for continued examination under § 1.114 may not be deferred. 37 C.F.R. § 1.53(f).

7. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e))	\$ 395.00
Fee(s) for additional claims (if any) (§ 1.16(b)-(d))	\$ _____
Extension of time fee (if any) (§ 1.17(a)(1)-(4))	\$ _____
Total Fee(s) Due	\$ 395.00

10/748,932

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ Check is attached for the sum of \$ 395.00
- ☐ Charge Account No. 04-0213 the sum of \$ _____
- ☐ Charge Credit Card the sum of \$ _____
(Credit Card Payment Form (PTO-2038) attached)

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to

- ☒ Account 040213
- ☐ Credit Card (Credit Card Payment Form (PTO-2038) attached).

INVENTORSHIP

NOTE: Any change of Inventors must be via the procedure set forth in 37 CFR § 1.48. See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

9. This application as amended names as inventors:

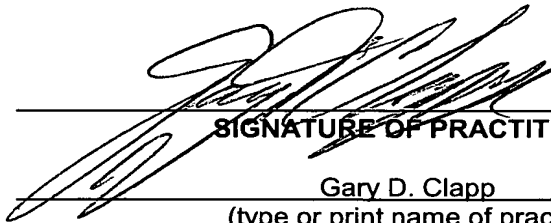
- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately: ☐ being filed ☐ been filed

DEFERRAL OR EXAMINATION

10. ☐ A request for deferral of examination accompanies this request for continued examination.

Reg. No.: 29,055

Date: 3/1/05



SIGNATURE OF PRACTITIONER
Gary D. Clapp
(type or print name of practitioner)

Tel. No. (603) 624-9220

Fax No. (603) 624-9229

Customer No.: 020210
DAVIS & BUJOLD, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151

FEE TRANSMITTAL

for FY 2005

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

Complete if Known

Application No.
Filing Date
First Named Inventor
Examiner Name
Group Art Unit

10/748,932
December 30, 2003
Claude AUGER
Carolyn T. Blake
3724

TOTAL AMOUNT OF PAYMENT: \$395

Attorney Docket No.

THOLAM P221US

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 04-0213

Deposit Account Name: DAVIS & BUJOLD, P.L.L.C.

The Director is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified account.

FEE CALCULATION

1. FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1011	1000	2011	500	Utility filing fee	
1012	430	2012	215	Design filing fee	
1013	660	2013	330	Plant filing fee	
1014	1400	2014	700	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	
SUBTOTAL (1)					\$-0-

2. CLAIMS

	Extra	Fee From Below	Fee Paid
Total Claims	2-20*	= \$ 50 (\$ 25) x	=-0-
Ind. Claims	1- 3	= \$200 (\$100) x	=-0-
Multiple Dependent	=	\$360 (\$180) x	=-0-

** or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim
1204	200	2204	100	**Reissue independent claims over original patent
1205	50	2205	25	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				\$-0-

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge-late filing fee/oath	
1052	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for re-examination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Ext.for reply w/in 1 mon	
1252	450	2252	225	Ext.for reply w/in 2 mon	
1253	1,020	2253	510	Ext.for reply w/in 3 mon	
1254	1,590	2254	795	Ext.for reply w/in 4 mon	
1255	2,160	2255	1,080	Ext.for reply w/in 5 mon	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a Brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (for reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1807	50	1807	50	Petition related to provisional applns.	
1806	180	1806	180	Submission of Info.Disclo.Stmt.	
8021	40	8021	40	Recording ea. patent assignment per property (times No.of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For ea.additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Cont.Exam.(RCE)	\$395
1802	900	1802	900	Request for expedited examination of a design appln	

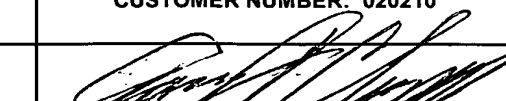
Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)\$395

SUBMITTED BY

Completed (if applicable)

Typed or Printed Name	Gary D. Clapp CUSTOMER NUMBER: 020210	Registration No.	29,055	Telephone	(603) 624-9220
Signature		Deposit Acct. No.	04-0213	Fax:	(603) 624-9229
				Date:	March 1, 2005